IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16304 of 2004

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Between:

Tanveer Mustafa S/o. Mohd.Iqbal
R/o. H.No.11-3-114 (IB No.67/C/) New Mallepally,

Moazzampur Hyderabad.

..... PETITIONER

AND

-

The Regional Passport Officer Near Clock Tower,

Secunderabad Rep. by the Regional Passport Officer.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in not carrying out the correction/alteration of the petitioner's correct date of birth as 1.11.1970 instead of 6.5.1965 appeared in passport No. A 2869173 issued on 193.1997 basing on the education certificate is illegal, arbitrary, unconstitutional and in violative of Articles 19 and 21 of the Constitution of India and consequently direct the respondent to issue a fresh passport with my correct date of birth as 1.11.1970 and pass.

Counsel for the Petitioner: MS.B.VIJETHA

Counsel for Respondent: MR.A.RAJASHEKAR REDDY (SC FOR

Central Government)

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for Central

Government. Both have no objection for disposal of the writ petition at the stage of admission in the light of the orders passed earlier by this court in the similar maters.

The petitioner has obtained passport No.A 2869173 wherein his date of birth was recorded as 6-5-1965 instead of 1-11-1970. In view of the same, he approached the respondent for correction of his date of birth in the passport and issue fresh passport, as per 7th class certificate. As the respondent refused to correct the same, the petitioner filed present writ petition to declare the action of the respondent in not carrying out the correction of date of birth in the passport as illegal and arbitrary.

This court disposed of the similar writ petitions in the light of the instructions/clarifications issued in Circular dated 18-4-2001, which read as follows:

a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

c. Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

As on today, if any request for correction of date of birth in the passport is made, the Passport issuing Authority is required to follow the aforementioned instructions. In that view of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent is directed to receive the application of the petitioner for correction of date of birth in the passport/issuance of fresh Passport, and process the same after verifying the genuineness or otherwise thereof basing on the documents, the petitioner may file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the Writ Petition is disposed of at the admission stage.

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A. Gopal Reddy, J.

13th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Regional Passport Officer. Regional Passport Office,

Near Clock Tower, Secunderabad.

2 2 CD copies.